

HOUSE BILL 1064

M3
HB 999/10 – ENV

11r0713

By: **Delegates Hucker, Bobo, Carr, Feldman, Frush, Gilchrist, Glenn, Holmes, Niemann, Reznik, and S. Robinson**

Introduced and read first time: February 11, 2011

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Watershed Protection and Restoration Act**

3 FOR the purpose of requiring each county and municipality to adopt certain laws or
4 ordinances to establish a stormwater remediation fee and a local watershed
5 protection and restoration fund on or before a certain date; requiring each
6 county and municipality to maintain and administer a local watershed
7 protection and restoration fund in accordance with this Act; establishing the
8 purpose of a local watershed protection and restoration fund; requiring each
9 county and municipality to collect a stormwater remediation fee in accordance
10 with this Act; requiring each county and municipality to set the amount of a
11 residential stormwater remediation fee in a certain manner; requiring each
12 county and municipality to set the amount of a nonresidential stormwater
13 remediation fee in a certain manner; prohibiting each county and municipality
14 from assessing a stormwater remediation fee on certain property owners and on
15 certain State-owned property; requiring each county and municipality to report
16 annually certain information to the Department of the Environment in a certain
17 manner beginning on a certain date; requiring the Department to report certain
18 information to the BayStat Subcabinet in a certain manner; authorizing the
19 Department to adopt certain regulations; defining a certain term; and generally
20 relating to stormwater management in the State.

21 BY repealing and reenacting, with amendments,
22 Article – Environment
23 Section 4–202
24 Annotated Code of Maryland
25 (2007 Replacement Volume and 2010 Supplement)

26 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
27 MARYLAND, That the Laws of Maryland read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **Article – Environment**

2 4–202.

3 **(A) (1) IN THIS SECTION, “IMPERVIOUS SURFACE” INCLUDES:**4 **(I) STRUCTURES, BUILDINGS, DWELLING UNITS, ROADS,**
5 **PARKING LOTS, OR DRIVEWAYS; AND**6 **(II) AREAS THAT ARE COVERED WITH GRAVEL, STONE,**
7 **SHELL, IMPERMEABLE DECKING, PAVERS, OR ANY OTHER IMPERVIOUS**
8 **MATERIAL.**9 **(2) “IMPERVIOUS SURFACE” DOES NOT INCLUDE:**10 **(I) A FENCE OR WALL THAT IS LESS THAN 1 FOOT IN WIDTH**
11 **THAT HAS NOT BEEN CONSTRUCTED WITH A FOOTER;**12 **(II) A WOOD MULCH PATHWAY; OR**13 **(III) A DECK WITH GAPS TO ALLOW WATER TO PASS FREELY.**14 **(B) (1) By July 1, 1984, each county and municipality shall adopt**
15 **ordinances necessary to implement a stormwater management program.**16 **(2) These stormwater management programs shall be consistent with**
17 **flood management plans, if any, developed under Title 5, Subtitle 8 of this article for a**
18 **particular watershed, shall meet the requirements established by the Department**
19 **under § 4–203 of this subtitle, and shall be consistent with the purposes of this**
20 **subtitle.**21 **(C) (1) ON OR BEFORE JULY 1, 2012, EACH COUNTY AND**
22 **MUNICIPALITY SHALL ADOPT LOCAL LAWS OR ORDINANCES NECESSARY TO**
23 **ESTABLISH:**24 **(I) A STORMWATER REMEDIATION FEE; AND**25 **(II) A LOCAL WATERSHED PROTECTION AND RESTORATION**
26 **FUND.**27 **(2) EACH COUNTY AND MUNICIPALITY SHALL MAINTAIN AND**
28 **ADMINISTER A LOCAL WATERSHED PROTECTION AND RESTORATION FUND IN**
29 **ACCORDANCE WITH THIS SECTION.**

1 **(3) THE PURPOSE OF A LOCAL WATERSHED PROTECTION AND**
2 **RESTORATION FUND IS TO PROVIDE FINANCIAL ASSISTANCE FOR THE**
3 **IMPLEMENTATION OF LOCAL STORMWATER MANAGEMENT PLANS THROUGH**
4 **URBAN AND SUBURBAN STORMWATER MANAGEMENT PRACTICES AND STREAM**
5 **AND WETLAND RESTORATION ACTIVITIES.**

6 **(D) (1) EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS**
7 **SUBSECTION, EACH COUNTY AND MUNICIPALITY SHALL ESTABLISH AND**
8 **ANNUALLY COLLECT A STORMWATER REMEDIATION FEE FROM PROPERTY**
9 **OWNERS WITHIN THE COUNTY OR MUNICIPALITY IN ACCORDANCE WITH THIS**
10 **SECTION.**

11 **(2) EACH COUNTY AND MUNICIPALITY SHALL SET A RESIDENTIAL**
12 **STORMWATER REMEDIATION FEE IN AN AMOUNT THAT IS THE SAME FOR ALL**
13 **RESIDENTIAL PROPERTY OWNERS WITHIN THE COUNTY OR MUNICIPALITY.**

14 **(3) EACH COUNTY AND MUNICIPALITY SHALL SET A**
15 **NONRESIDENTIAL STORMWATER REMEDIATION FEE AT A RATE THAT IS THE**
16 **SAME FOR ALL COMMERCIAL PROPERTY OWNERS WITHIN THE COUNTY OR**
17 **MUNICIPALITY, BUT THAT IS:**

18 **(I) ASSESSED ON THE AMOUNT OF IMPERVIOUS SURFACE**
19 **ON EACH COMMERCIAL PROPERTY; AND**

20 **(II) GREATER THAN THE RESIDENTIAL STORMWATER**
21 **REMEDATION FEE SET UNDER PARAGRAPH (2) OF THIS SUBSECTION.**

22 **(4) EACH COUNTY AND MUNICIPALITY MAY NOT ASSESS A**
23 **STORMWATER REMEDIATION FEE ON:**

24 **(I) A RESIDENTIAL OR NONRESIDENTIAL PROPERTY**
25 **OWNER WHO HAS ALREADY BEEN ASSESSED A STORMWATER REMEDIATION FEE**
26 **BY A COUNTY OR MUNICIPALITY IN THE SAME YEAR; AND**

27 **(II) ANY PROPERTY, INCLUDING IMPERVIOUS SURFACES,**
28 **THAT IS OWNED BY THE STATE.**

29 **(E) (1) EACH COUNTY AND MUNICIPALITY SHALL DETERMINE THE**
30 **METHOD, FREQUENCY, AND ENFORCEMENT OF THE COLLECTION OF THE**
31 **STORMWATER REMEDIATION FEE.**

32 **(2) EACH COUNTY AND MUNICIPALITY SHALL DEPOSIT THE**
33 **STORMWATER REMEDIATION FEES IT COLLECTS INTO ITS LOCAL WATERSHED**
34 **PROTECTION AND RESTORATION FUND.**

1 **(3) THERE SHALL BE DEPOSITED IN A LOCAL WATERSHED**
2 **PROTECTION AND RESTORATION FUND:**

3 **(I) FUNDS RECEIVED FROM THE STORMWATER**
4 **REMEDATION FEE;**

5 **(II) INTEREST OR OTHER INCOME EARNED ON THE**
6 **INVESTMENT OF MONEY IN THE LOCAL WATERSHED PROTECTION AND**
7 **RESTORATION FUND; AND**

8 **(III) ANY ADDITIONAL MONEY MADE AVAILABLE FROM ANY**
9 **SOURCES FOR THE PURPOSES FOR WHICH THE LOCAL WATERSHED PROTECTION**
10 **AND RESTORATION FUND HAS BEEN ESTABLISHED.**

11 **(4) EACH COUNTY AND MUNICIPALITY SHALL USE THE MONEY IN**
12 **ITS LOCAL WATERSHED PROTECTION AND RESTORATION FUND FOR:**

13 **(I) CAPITAL IMPROVEMENTS FOR STORMWATER**
14 **MANAGEMENT;**

15 **(II) OPERATION AND MAINTENANCE OF STORMWATER**
16 **MANAGEMENT SYSTEMS AND FACILITIES;**

17 **(III) STORMWATER MANAGEMENT PERMITTING,**
18 **INSPECTION, AND ENFORCEMENT ACTIVITIES;**

19 **(IV) STORMWATER MANAGEMENT PLANNING;**

20 **(V) GRANTS TO NONPROFIT ORGANIZATIONS FOR UP TO**
21 **100% OF PROJECTS' COSTS FOR WATERSHED RESTORATION AND**
22 **REHABILITATION PROJECTS RELATING TO:**

23 **1. PLANNING, DESIGN, AND CONSTRUCTION OF**
24 **URBAN AND SUBURBAN STORMWATER MANAGEMENT PRACTICES;**

25 **2. STREAM AND WETLAND RESTORATION PROJECTS;**
26 **AND**

27 **3. PUBLIC EDUCATION, SUPPORT, AND OUTREACH;**
28 **AND**

29 **(VI) REASONABLE COSTS NECESSARY TO ADMINISTER THE**
30 **LOCAL WATERSHED PROTECTION AND RESTORATION FUND.**

1 **(5) THE FUNDS DISBURSED UNDER THIS SUBSECTION ARE**
2 **INTENDED TO BE IN ADDITION TO ANY EXISTING STATE OR LOCAL**
3 **EXPENDITURES FOR STORMWATER MANAGEMENT.**

4 **(6) MONEY IN A LOCAL WATERSHED PROTECTION AND**
5 **RESTORATION FUND MAY NOT REVERT OR BE TRANSFERRED TO THE GENERAL**
6 **FUND OF ANY COUNTY OR MUNICIPALITY.**

7 **(F) (1) BEGINNING ON APRIL 1, 2012, EACH COUNTY AND**
8 **MUNICIPALITY SHALL REPORT ANNUALLY THE AMOUNT OF IMPERVIOUS**
9 **SURFACE LOCATED WITHIN THE COUNTY OR MUNICIPALITY TO THE**
10 **DEPARTMENT, IN A MANNER AND ACCORDING TO A SCHEDULE DETERMINED BY**
11 **THE DEPARTMENT.**

12 **(2) THE DEPARTMENT SHALL REPORT THE INFORMATION**
13 **COLLECTED UNDER PARAGRAPH (1) OF THIS SUBSECTION TO THE BAYSTAT**
14 **SUBCABINET, ESTABLISHED UNDER § 8-2A-03 OF THE NATURAL RESOURCES**
15 **ARTICLE, IN A MANNER AND ACCORDING TO A SCHEDULE DETERMINED BY THE**
16 **BAYSTAT SUBCABINET.**

17 **(G) THE DEPARTMENT MAY ADOPT REGULATIONS TO IMPLEMENT AND**
18 **ENFORCE THIS SECTION.**

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 July 1, 2011.